

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

IN RE	)	Chapter 7
	)	
MICHAEL HELMSTETTER,	)	Case No. 19-28687
	)	
Debtor.	)	<b>Hon. Jacqueline P. Cox</b>
	)	<b>U.S. Bankruptcy Judge</b>

**NOTICE OF HEARING**

TO: Attached Service List

**PLEASE TAKE NOTICE THAT** on **August 23, 2022, at 1:00 p.m.**, I shall appear before the **Honorable Jacqueline Cox**, or any other judge sitting in her stead and request a hearing on the **Trustee's Motion To Authorize Payment of Administrative Expense of Income Taxes to United States Treasury and Illinois Department of Revenue and to Limit Notice**, a copy of which is attached hereto and thereby served upon you.

**This motion will be presented and heard electronically using Zoom for Government.** No personal appearance in court is necessary or permitted. To appear and be heard on the motion, you must do the following:

**To appear by video**, use this link: <http://www.zoomgov.com/>. Then enter the meeting ID.

**To appear by telephone**, call (669) 254-5252 or (646) 828-7666. Appearing by telephone will require extra clearance before being allowed into the hearing.

**Meeting ID and password.** The meeting ID for this hearing is 161 273 2896 and the password is 778135. The meeting ID and password can also be found on the judge's page on the court's website.

**If you object to this motion** and want it called on the presentment date above, you must file a Notice of Objection no later than two (2) business days before that date. If a Notice of Objection is timely filed, these motions will be called on the presentment date. If no Notice of Objection is timely filed, the Court may grant the motions in advance without a hearing.

**CERTIFICATE OF SERVICE**

I, the undersigned, an attorney, hereby state that pursuant to Section II, B, 4 of the Administrative Procedures for the Case Management/Electronic Case Filing System, I caused a copy of the foregoing NOTICE OF MOTION and MOTION to be served on all persons set forth on the attached Service List identified as Registrants through the Court's Electronic Notice for Registrants and, as to all other persons on the attached Service List by mailing a copy of same in an envelope properly addressed and with postage fully prepaid and by depositing same in the U.S. Mail, Chicago, Illinois, on 15<sup>th</sup> day of August, 2022.

/s/ Gregory K. Stern  
Gregory K. Stern

Gregory K. Stern (Atty. ID #6183380)  
Monica C. O'Brien (Atty. ID #6216626)  
Dennis E. Quaid (Atty. ID #02267012)  
Rachel S. Sandler (Atty. ID #6310248)  
53 West Jackson Boulevard, Suite 1442  
Chicago, Illinois 60604  
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## **SERVICE LIST**

### **Registrants Served Through The Court's Electronic Notice For Registrants**

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**Parties Served By United States Mail**

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Bankruptcy Unit  
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Denver, CO 80235

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Painted Sky/Adam Wimmer  
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Pearl Capital Business Funding, LLC  
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Premium Business Solutions  
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One Reynolds Way  
Kettering, OH 45430

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Los Angeles, CA 90010

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

IN RE	)	Chapter 7
	)	
MICHAEL HELMSTETTER,	)	Case No. 19–28687
	)	
Debtor.	)	Hon. Jacqueline Cox
	)	U.S. Bankruptcy Judge
	)	<u>Hearing Date and Time:</u>
	)	<b>August 23, 2022, at 1:00 p.m.</b>

**TRUSTEE’S MOTION TO AUTHORIZE PAYMENT OF ADMINISTRATIVE  
EXPENSE OF INCOME TAXES TO UNITED STATES TREASURY AND  
ILLINOIS DEPARTMENT OF REVENUE AND TO LIMIT NOTICE**

NOW COMES **DAVID R. HERZOG**, not individually, but solely in his capacity as Chapter 7 Trustee (the “**Trustee**”), by and through his attorneys, Gregory K. Stern, Monica C. O’Brien, Rachel S. Sandler and Dennis E. Quaid (“**Trustee’s Counsel**”) and pursuant to 11 U.S.C. §§105(a) and 503(a)(1)(B), and requests that this Court enter an order granting **Trustee’s Motion to Authorize Payment of Administrative Expense of Income Taxes to United States Treasury and Illinois Department of Revenue and to Limit Notice**. In support of his Motion, the Trustee represents and states as follows:

**A. BACKGROUND**

1. Michael Helmstetter (the “**Debtor**”) filed a Voluntary Petition for relief under Chapter 7 of the United States Bankruptcy Code Court commencing the instant case and David R. Herzog (the “**Trustee**”) was appointed as trustee in this case, continuing as the duly appointed and acting Chapter 7 Trustee for the bankruptcy estate of the Debtor (the “**Estate**”).

2. This Court has jurisdiction over the subject matter of this Motion pursuant to 28 U.S.C. §1334; venue of this Title 11 case is proper in this District pursuant to 28 U.S.C. §1408; and, this matter constitutes a core proceeding under 28 U.S.C. §157(b)(2)(A), (B), (N) and (O).

3. This Court has the constitutional authority to adjudicate the subject matter of this Motion as affecting property of the Estate. The Trustee consents to this Court's adjudication of the subject matter of this Motion and the entry by the Court of a final order deciding the Motion.

**B. SALE OF 33% OF COMMON STOCK OF KINGDOM CHEVROLET, INC., TRANSFER OF DISPUTED STOCK INTEREST OF WESTERN AVENUE NISSAN, RELEASE OF CAUSES OF ACTION AND TRANSFER OF MISCELLANEOUS ASSETS**

4. By this Court's order dated September 1, 2021, the Trustee was authorized to settle controversies and sell to Kingdom Chevrolet, Inc. ("Kingdom") certain assets including (i) 33% of the Common Stock of Kingdom owned by the Debtor, (ii) transfer to Kingdom of its principal, Richard Ruscitti ("Ruscitti") 25% of the Common Stock of Western Avenue Nissan ("Western Avenue") claimed to be owned by Debtor, which ownership interest was disputed by Western avenue and Ruscitti, (iii) release causes of action against Kingdom, Western Avenue and Ruscitti asserted by Debtor and (iv) transfer the disputed interest of Debtor in certain advertising companies and reinsurance companies controlled by Ruscitti.

5. Pursuant to the terms of the September 1, 2020, order, the Trustee consummated Kingdom and Ruscitti the settlement and sale on August 16, 2021. The Trustee received the price of \$555,000.00 at the closing.

6. The Trustee's accountant has prepared income tax returns for the estate for the tax year of 2021 reporting liabilities of the estate for taxes on the Kingdom transaction of (i) \$17,272.00 owed to the United States Treasury and (ii) \$8,105.00 owed to the Illinois Department of Revenue.

7. The tax liabilities referenced in Paragraph 6 constitute administrative expenses pursuant to Section 503(a)(1)(B) of the Bankruptcy code as being a "tax - incurred by the estate, . . . "

8. Section 503(a) permits "An entity may timely file a request for payment of an administrative expense . . ." The Trustee requests authorization for payment of the income taxes owed

to the United States Treasury and Illinois Department of Revenue in the amounts stated above as administrative expenses.

**C. NOTICE**

9. The Trustee has served a notice of this motion by mail or through the Court's CM/ECF system to the following persons: (i) the Debtor and his present counsel; (ii) the United States Trustee; (iii) the twenty largest unsecured creditors; and (iv) all parties that have filed appearances or requested notices through the Court's CM/ECF system. Due to the volume of creditors in this case, the Trustee is requesting that notice pursuant to Rule 2002 be limited to the individuals listed in the preceding sentence, for cause shown.

**D. PRAYER FOR RELIEF**

WHEREFORE, the Trustee respectfully requests that the court enter orders substantially in the forms annexed hereto: (i) authorizing the Trustee to pay the sum of \$17,272.00 to the United States Treasury and the sum of \$8,105.00 to the Illinois Department of Revenue as administrative expenses; (ii) limiting notice pursuant to Rule 2002 to the twenty largest creditors; and, (iii) granting such other and further relief as is just and proper.

By: /s/ Gregory K. Stern  
Gregory K. Stern, Attorney for Trustee

Gregory K. Stern (Atty. ID #6183380)  
Monica C. O'Brien (Atty. ID #6216626)  
Dennis E. Quaid (Atty. ID #02267012)  
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